

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AURELIUS CAPITAL PARTNERS, LP and
AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 07 Civ. 2715 (TPG)

AURELIUS CAPITAL PARTNERS, LP and
AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 07 Civ. 11327 (TPG)

BLUE ANGEL CAPITAL I LLC,

Plaintiff,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 07 Civ. 2693 (TPG)

(captions continue on the following pages)

DECLARATION OF SOLOMON KIBRIYE IN SUPPORT OF
BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.'S
MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION
TO COMPEL PRODUCTION FROM DEFENDANT AND NON-PARTY BANKS,
AND IN SUPPORT OF THEIR CROSS-MOTION TO QUASH THE SUBPOENAS
SERVED ON BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.

AURELIUS CAPITAL MASTER, LTD. and
ACP MASTER, LTD.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 09 Civ. 8757 (TPG)

AURELIUS CAPITAL MASTER, LTD. and
ACP MASTER, LTD.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 09 Civ. 10620 (TPG)

AURELIUS OPPORTUNITIES FUND II, LLC and
AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 10 Civ. 1602 (TPG)

AURELIUS OPPORTUNITIES FUND II, LLC and
AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 10 Civ. 3507 (TPG)

AURELIUS CAPITAL MASTER, LTD. and
AURELIUS OPPORTUNITIES FUND II, LLC,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 10 Civ. 3970 (TPG)

BLUE ANGEL CAPITAL I LLC,

Plaintiff,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 10 Civ. 4101 (TPG)

BLUE ANGEL CAPITAL I LLC,

Plaintiff,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 10 Civ. 4782 (TPG)

AURELIUS CAPITAL MASTER, LTD. and
AURELIUS OPPORTUNITIES FUND II, LLC,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

No. 10 Civ. 8339 (TPG)

Pursuant to 28 U.S.C. § 1746, I, Solomon Kibriye, declare as follows:

1. I am an Analyst in the New York offices of Barclays Capital Inc. I submit this Declaration in connection with the subpoenas that have been served on Barclays Bank PLC and Barclays Capital Inc. (the "Subpoenas") in the proceedings that are referred to in the captions that appear above.

2. I began working at Barclays Capital Inc. in 2007 as an Analyst in the Legal Department. My current responsibilities include managing the receipt in New York and initial processing of subpoenas that are directed to certain entities, including Barclays Bank PLC and Barclays Capital Inc. As part of the initial processing of some subpoenas, I cause searches to be run of systems commonly used to identify U.S. dollar accounts and other U.S. dollar assets held for third parties by Barclays Bank PLC and Barclays Capital Inc.

3. I make the statements set forth in this Declaration based on my personal knowledge or knowledge that I have obtained from business records and in the course of my responsibilities as an Analyst in the Legal Department.

Barclays Bank PLC and Barclays Capital Inc.

4. Barclays Bank PLC is a public limited company registered in England and Wales. In New York, it operates a branch known as "Barclays Bank PLC – New York Branch," which is licensed by the New York State Department of Financial Services as a New York branch of a foreign bank. The New York Branch is primarily involved in deposit raising, lending, and the management of Barclays' U.S. dollar funding position. The New York Branch does not have any branches, subsidiaries, associates, or joint ventures.

5. Barclays Capital Inc. is incorporated in Connecticut and registered with the New York State Department of State as a foreign business corporation. Barclays Capital Inc. is also

registered with the SEC as a broker-dealer; with the Commodity Futures Trading Commission as a futures commission merchant, commodity pool operator, and commodity trading advisor; and with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor.

6. Barclays Capital Inc., an indirect subsidiary of Barclays Bank PLC, is headquartered in New York and has offices throughout the United States and in San Juan, but does not have offices outside the United States and Puerto Rico.

7. Barclays Capital Inc. is not a bank holding company. Barclays Bank PLC is a bank holding company.

The Searches Relating to the Republic of Argentina

8. In January 2012 and again in October 2012, I caused searches for the "Republic of Argentina" to be run in systems commonly used to identify U.S. dollar accounts and other U.S. dollar assets held for third parties by Barclays Bank PLC and Barclays Capital Inc. I understand that those searches, because of the search methodology, would also identify U.S. dollar accounts and other U.S. dollar assets held for "República Argentina."

9. I understand that certain of those systems are accessed by running separate queries for each individual or entity to be searched, while other systems can be accessed by utilizing more complex queries that allow for multiple individuals or entities to be combined into a single search, including by using common terminology. After the searches are run, the results then must be manually reviewed to determine whether each result is truly associated with the specified individual or entity. Based on my experience, searches for common names can return a large number of results that are not associated with the specified individual or entity.

10. The results of the searches for the "Republic of Argentina" did not locate U.S. dollar accounts during the time period January 1, 2009 until the dates the searches were run in

January and October 2012, which I understand is the time period specified in the Subpoenas. As I mentioned above, the results of the searches mean that a search for "República Argentina" would not identify U.S. dollar accounts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on November 7, 2012.


Solomon Kibriye